

No. 1-11-0440

NOTICE: This order was filed under Supreme Court Rules 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

WILLIE COLEMAN,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 10 M1 133031
)	
AFFIRMATIVE INSURANCE COMPANY,)	The Honorable
)	James E. Snyder,
Defendant-Appellee.)	Judge Presiding.

JUSTICE CAHILL delivered the judgment of the court.
Justices Garcia and Lampkin concurred in the judgment.

ORDER

Held: Circuit court's order debarring *pro se* plaintiff's rejection of arbitration award and entering judgment on the award in favor of defendant was affirmed where plaintiff's filings were inadequate and did not conform to supreme court rules.

¶ 1 Plaintiff Willie Coleman brought this *pro se* action against defendant Affirmative Insurance Company to recover automobile insurance proceeds for damage to a 2004 Dodge

Intrepid that plaintiff alleged had been stolen and torched. The circuit court entered discovery sanctions against plaintiff because he failed to produce complete telephone records in accordance with defendant's discovery requests. At the mandatory arbitration hearing, the arbitrators found in favor of defendant based on the order imposing discovery sanctions. The circuit court subsequently debarred plaintiff's rejection of the award and entered judgment on the award in defendant's favor.

¶ 2 Plaintiff appeals *pro se*, essentially contending that he provided whatever telephone records he was able to obtain.

¶ 3 Defendant responds that plaintiff's brief should be stricken, plaintiff has waived any issues on appeal for failure to cite legal authority and the discovery sanctions were not an abuse of discretion.

¶ 4 In the notice of appeal, plaintiff purports to quote statements by the trial court, but the record does not contain transcripts, bystander's reports or agreed statements of fact for the proceedings in the circuit court. Therefore, we do not know what, if any, evidence was presented to the circuit court or what arguments were made. Illinois Supreme Court Rules 321 (eff. Feb. 1, 1994) and 323 (eff. Dec. 13, 2005) require a report of proceedings or an acceptable substitute, such as a bystander's report or agreed statement of facts, and it is the appellant's burden to provide an adequate record to support his contentions on appeal (see *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984)). Plaintiff has not met his burden here. We will presume that the circuit court's decisions conformed to the law and were supported by a sufficient factual basis (*In re Marriage of Gulla*, 234 Ill. 2d 414, 423-24 (2009); *Webster v. Hartman*, 309 Ill. App. 3d 459,

460-62 (1999), *aff'd*, 195 Ill. 2d 426, 432-34 (2001); *Foutch*, 99 Ill. 2d at 391-92), and we will resolve doubts resulting from the incompleteness of the record against the plaintiff (see *Elias v. McDonnell*, 408 Ill. App. 3d 301, 322 (2011)).

¶ 5 Plaintiff has also submitted information and documents in his *pro se* brief that he did not include in the record on appeal. Our review is limited to the certified record on appeal, and we cannot consider information or documents *dehors* the record. See *In re Marriage of Kohl*, 334 Ill. App. 3d 867, 874 (2002); *Bianchi v. Savino Del Bene International Freight Forwarders, Inc.*, 329 Ill. App. 3d 908, 929 (2002); *Harris v. Old Kent Bank*, 315 Ill. App. 3d 894, 898-99 (2000); *Regal Package Liquor, Inc. v. J.R.D., Inc.*, 125 Ill. App. 3d 689, 691 (1984); *Etten v. Lane*, 138 Ill. App. 3d 439, 442 (1985).

¶ 6 Finally, plaintiff's *pro se* brief fails to conform to the requirements prescribed by Illinois Supreme Court Rules 341 (eff. July 1, 2008) and 342 (eff. Jan. 1, 2005). Plaintiff has failed to cite legal authority, and it is not the function of this court to research and argue the position of any party. *Vernon Hills III Ltd. Partnership v. St. Paul Fire & Marine Insurance Co.*, 287 Ill. App. 3d 303, 311 (1997); *In re Estate of Divine*, 263 Ill. App. 3d 799, 810 (1994); *Nicholl v. Scaletta*, 104 Ill. App. 3d 642, 647 (1982).

¶ 7 We recognize that plaintiff is a *pro se* litigant; however, he is required to comply with the procedural rules of the Illinois Supreme Court governing appellate review, and his *pro se* status does not excuse his failure to do so. See *Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill. App. 3d 509, 511 (2001); *First Illinois Bank & Trust v. Galuska*, 255 Ill. App. 3d 86, 94 (1993); *Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462-63 (1993); *Paddock v.*

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Department of Employment Security, 184 Ill. App. 3d 945, 949 (1989). Accordingly, the judgment of the circuit court is affirmed.

¶ 8 Affirmed.